

TO: **Mail Stop 8**
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

**REPORT ON THE
 FILING OR DETERMINATION OF AN
 ACTION REGARDING A PATENT OR
 TRADEMARK**

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court DISTRICT OF OREGON on the following ☒ Patents or ☐ Trademarks:


DOCKET NO. 09-cv-975-PK	DATE FILED 8/19/09	U.S. DISTRICT COURT DISTRICT OF OREGON
PLAINTIFF Precision Automation, Inc. Tigerstop, LLC		DEFENDANT Technical Services, Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 See Attachment		
2 6,886,462		
3 6,898,478		
4 5,444,635		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK MARY L. MORAN	(BY) DEPUTY CLERK 	DATE 8/24/09
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

PRECISION AUTOMATION, INC., a Washington Corporation, and
TIGERSTOP LLC, an Oregon Corporation

(b) County of Residence of First Listed Plaintiff Clark
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Peter E. Heuser, Kolisch Hartwell PC, 520 SW Yamhill St., Suite
200, Portland, Oregon 97204, (503) 224-6655

DEFENDANTS

TECHNICAL SERVICES, INC, an Iowa Corporation

County of Residence of First Listed Defendant Story
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus: General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395(f)) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Recopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. 283, 284, and 285

Brief description of cause:

Patent Infringement under 35 U.S.C. 283, 284, and 285

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Acosta / JUDGE Brown

DOCKET NUMBER CV07-707

DATE

8/19/09

SIGNATURE OF ATTORNEY OF RECORD

[Signature]

FOR OFFICE USE ONLY

RECEIPT# _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

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Counsel for Plaintiffs Precision Automation, Inc. and TigerStop LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

PRECISION AUTOMATION, INC., a)	Case No. _____
Washington corporation, and)	
TIGERSTOP, LLC, an Oregon)	COMPLAINT FOR PATENT
Corporation,)	INFRINGEMENT
)	
Plaintiffs,)	
)	JURY TRIAL DEMANDED
v.)	
)	
TECHNICAL SERVICES, INC., an Iowa)	
corporation,)	
)	
Defendant.)	
_____)	

For their complaint, plaintiffs Precision Automation, Inc. ("Precision") and TigerStop LLC ("TigerStop") allege against defendant Technical Services, Inc. ("TSI") as follows:

THE PARTIES

1. Plaintiff Precision is a corporation duly organized and existing under the laws of the State of Washington, having its principal place of business at 12909 NE 95th Street, Vancouver, Washington 98682, USA. Precision is the owner of U.S. Patent No. 6,886,462 ("the '462 patent") directed to labeling methods and apparatus, and U.S. Patent No. 6,898,478 ("the '478 patent") directed to systems and methods of processing materials.

2. Plaintiff TigerStop is a corporation duly organized and existing under the laws of the State of Oregon, having its principal place of business at 8555 SW Apple Way, Suite 110, Portland, Oregon 97225. TigerStop is the sole licensee of the '462 patent and '478 patent.

3. Defendant TSI is, upon information and belief, an Iowa corporation, located and doing business at 157006 241st Street, Ames, IA 50010-9376, USA.

JURISDICTION AND VENUE

4. Plaintiffs' claims arise under the laws of the United States relating to patents, Title 35 of the United States Code. Complete diversity exists between the parties and the amount in dispute exceeds seventy five thousand dollars (\$75,000). Therefore, this Court has jurisdiction of this action under 28 USC §§ 1331, 1332 and 1338(a).

5. Venue is proper in this district pursuant to 28 USC § 1391(b) and (c) because a substantial part of the events giving rise to the claim occurred here.

6. On information and belief, TSI is engaged in conducting business in the state of Oregon and elsewhere in the United States in connection with the allegations of this lawsuit,

causing injury to Plaintiffs in Oregon, and is subject to personal jurisdiction in this district. Therefore, TSI resides in Oregon for purposes of establishing venue under 28 U.S.C. § 1391(c), and venue is proper in this district under 28 U.S.C. § 1400(b).

BACKGROUND

7. Precision, through its U.S. affiliate TigerStop, is an industry leader in stop/gauge and pusher systems, which are computerized systems for optimizing the processing of materials used in manufacturing products such as cabinets and furniture. Precision maintains a strong commitment to research and development, and owns at least 13 issued U.S. and foreign patents, as well as a number of pending U.S. and foreign patent applications relating to its numerous inventions. Copies of U.S. Patent Nos. 6,886,462 ("the '462 patent") and 6,898,478 ("the '478 patent") are appended as Exhibits A and B, respectively. These patents will be collectively referred to as "the asserted patents."

8. On June 15, 2005, Precision and Alpine Engineered Products, Inc. ("Alpine") filed action CV 05-873 in this Court, alleging infringement by TSI of the '462 patent, the '478 patent, and U.S. Patent No. 5,444,635 ("the '635 patent"), which Precision licenses from Alpine.

9. After action CV 05-873 was filed, TSI informed Precision that it believed the '462 patent to be invalid based on prior art that had not previously been considered by the U.S. Patent and Trademark Office ("USPTO"). On December 22, 2005, Precision requested *ex parte* reexamination of the '462 patent by the USPTO in light of the prior art identified by TSI. On January 23, 2006, plaintiffs moved the Court to dismiss action CV 05-873 without prejudice in

light of the pending reexamination proceeding. On February 10, 2006, the Court dismissed action CV 05-873 without prejudice.

10. On February 10, 2006, TSI separately requested *ex parte* reexamination of the '462 patent by the USPTO, and on April 14, 2006, the USPTO merged the two pending reexamination requests into a single reexamination proceeding for the '462 patent. On May 27, 2009, the USPTO informed Precision that various original, amended, and new claims of the '462 patent were confirmed as allowable. On August 5, 2009, the USPTO issued a reexamination certificate for the reexamined '462 patent, indicating the formal conclusion of the reexamination proceeding. The reexamined '462 patent constitutes a valid and enforceable patent solely owned by Precision. Attached as Exhibit C is a true and correct copy of the claims of the '462 patent found allowable by the USPTO in the reexamination proceeding.

11. Plaintiffs have marked any of their products covered by and used in the methods covered by the '462 Patent with U.S. Patent No. 6,886,462 in compliance with 35 U.S.C. § 287.

12. Plaintiffs have marked any of their products covered by and used in the methods covered by the '478 Patent with U.S. Patent No. 6,898,478 in compliance with 35 U.S.C. § 287.

13. TSI sells its RazorGage products, at least some of which plaintiffs allege infringe the asserted patents, in the state of Oregon. More specifically, the allegedly infringing products include at least TSI's RazorOptimal saw stop systems and Caliper Measuring Tables. Attached as Exhibit D are copies of price sheets produced by TSI, advertising allegedly infringing TSI products. Attached as Exhibit E is a copy of a published press release announcing the formation of a TSI regional sales office in Portland, Oregon.

INFRINGEMENT OF THE '462 PATENT

14. On May 3, 2005, U.S. Patent No. 6,886,462 (the '462 patent) was duly issued to Precision for labeling methods and apparatus. Attached as Exhibit A is a true and correct copy of the '462 patent as originally issued.

15. On August 5, 2009, the USPTO formally concluded a reexamination of the '462 patent after determining that various original and new claims of the '462 are patentable in light of prior art not originally considered by the USPTO. Attached as Exhibit C is a true and correct copy of the claims of the '462 patent found allowable by the USPTO in the reexamination proceeding.

16. Upon information and belief, TSI has infringed and continues to infringe the allowed claims of the reexamined '462 patent by making, using, selling, importing, and offering to sell its Razor Gage products, including but not limited to its RazorOptimal Systems.

17. By reason of TSI's infringing activities, plaintiffs have suffered, and will continue to suffer, substantial damages in an amount to be proved at trial.

18. TSI's infringement of the '462 patent will continue to do damage to plaintiffs' business, causing irreparable harm for which there is no adequate remedy at law. Plaintiffs are therefore entitled to a preliminary and permanent injunction restraining and enjoining TSI from infringing the claims of the '462 patent.

19. Upon information and belief, TSI's infringement of the '462 patent is willful and deliberate, entitling plaintiffs to increased damages under 35 U.S.C. Section 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. Section 285.

INFRINGEMENT OF THE '478 PATENT

20. On May 24, 2005, U.S. Patent No. 6,898,478 (the '478 patent) was duly issued to Precision for systems and methods of processing materials. The '478 patent constitutes a valid and enforceable patent solely owned by Precision. A true and correct copy of the '478 patent is attached hereto as Exhibit B.

21. Upon information and belief, TSI has infringed and continues to infringe at least claim 11 of the '478 patent by making, using, selling, importing, and offering to sell its Razor Gage saw products, including but not limited to its RazorOptimal Systems and Caliper Measuring Tables.

22. By reason of TSI's infringing activities, plaintiffs have suffered, and will continue to suffer, substantial damages in an amount to be proved at trial.

23. TSI's infringement of the '478 patent will continue to do damage to plaintiffs' business, causing irreparable harm for which there is no adequate remedy at law. Plaintiffs are therefore entitled to a preliminary and permanent injunction restraining and enjoining TSI from infringing the claims of the '478 patent.

24. Upon information and belief, TSI's infringement of the '478 patent is willful and deliberate entitling plaintiffs to increased damages under 35 U.S.C. Section 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. Section 285.

PRAYER FOR RELIEF

WHEREFORE, plaintiff demands judgment:

1. For a decree that TSI has infringed the '462 and '478 patents;
 2. For a preliminary and permanent injunction restraining and enjoining TSI, its agents, servants, employees, officers, and those persons in active concert or participation with TSI, from further infringement of the '462 and '478 patents pursuant to 35 USC § 283;
 3. For an accounting against TSI for an amount adequate to compensate for the infringement of the '462 and '478 patents, including profits lost by plaintiffs as a result of infringement of the '462 and '478 patents, pursuant to 35 USC § 284; in any event plaintiffs shall be awarded no less than a reasonable royalty for the unauthorized use of the patented inventions by TSI;
 4. For damages in an amount equal to three times the amount of damages found or assessed, to compensate plaintiffs for the willful infringement of the '462 and '478 patents by TSI, pursuant to 35 USC § 284;
 5. For an award of reasonable attorney fees against TSI pursuant to 35 USC § 285;
- and
6. For such other and further relief as may be just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

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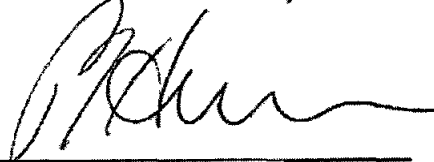
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Dated this 19th day of August, 2009.

Respectfully submitted,

KOLISCH HARTWELL, P.C.

A handwritten signature in black ink, appearing to read 'P. Heuser', written over a horizontal line.

Peter E. Heuser

OSB No. 811281

(503) 224-6655

(503) 295-6679 (fax)

heuser@khpatent.com

of Attorneys for Plaintiffs Precision Automation, Inc.
and TigerStop LLC.